


Stephen Richards


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Stephen is a partner in the trust, estate and inheritance disputes team.

He advises a range of clients (private individuals, beneficiaries, trustees, executors, deputies, attorneys and charities) in relation to trust, succession/inheritance and Court of Protection disputes, often involving international and crossborder issues.

He regularly advises on challenges to the validity of wills, issues of construction and rectification of wills and deeds, constructive trust and proprietary estoppel claims, claims under the Inheritance (Provision for Family and Dependents) Act 1975, and professional negligence claims involving estate planning, trust and succession issues.

He has particular expertise in proceedings before the Court of Protection, where he frequently acts for both applicants and respondents in applications for statutory wills, lifetime gifts, contested registrations of powers of attorney, deputyships and health and welfare decisions. Stephen regularly advises in relation to investigations by the Office of the Public Guardian.

Stephen has spent time at the Official Solicitor's Department on secondment.

Track record

Will interpretation

Stephen Richards, along with [Alexandra Dix](#), acted for the successful claimant in *Tish v Olley & Others* [2018], where the judge agreed with their interpretation of the will. [Click here](#) to read our briefing note on the case and [here](#) for the judgment.

Isle of Man trust structure

Stephen, together with [Ceri Vokes](#) and [Olivia Turner](#), set aside a previous transfer of shares into an Isle of Man trust structure, which mistakenly resulted in adverse tax consequences. Working with Isle of Man advocates we also advised on making the relevant arrangements for minor and unborn beneficiaries. Read the Judgment [here](#)

RSPCA

Stephen together with [Paul Hewitt](#) acted for the charity in *RSPCA v Sharp & Others* [2010] in which the Court of Appeal unanimously upheld the RSPCA's case that its benefactor, the late George Mason, had intended his estate to pass free of inheritance tax. [Click here](#) to read our summary of the case and [click here](#) read the Judgment.

Removal of trustee

Successfully removed a Trustee of a multi-million trust in the High Court.

Intestacy rules

Acted on behalf of a national charity and successfully applied for a copy will to be admitted to probate where the intestacy rules would have applied if the application was unsuccessful. As a result, the charity was able to realise a substantial legacy.

Removal of attorneys

Assisted a client in successfully removing existing attorneys and installing an independent professional Deputy.

Discretionary trust

Secured the distribution/partition of discretionary trust (worth over £10m) in face of hostile trustees.

Statutory will application

Defended a highly contested statutory will application while at the same time securing the removal of a professional Deputy.

Cross border Court of Protection dispute over residence

In *Re MN*, a leading authority on cross-border welfare disputes in the Court of Protection, reported at [2010] WTLR 1355, Paul and [Stephen Richards](#) represented MN's niece and only surviving relative, PLH. MN had made an Advance Health Care Directive in her niece's favour and PLH wanted to care for her aunt in Surrey. However, MN's Californian attorney had secured an Order that MN be returned to California (notwithstanding the lack of family or support network). The Court of Protection had to decide whether to recognise and enforce that order requiring her return to California. Click [here](#) to read the judgement.

Talks

- '*Court of Protection update*', Simon Gore - June 2017
- '*Deputyship masterclass*', 39 Essex Chambers Court of Protection conference - June 2017
- Global Family Office's Successful Succession seminar - November 2014
- '*Contentious Probate Update*', LexisNexis - October 2014
- Institute of Legacy Management Court of Protection conference, London - November 2013

External publications

'*You never know what's around the corner: would you be ready if you or your loved ones lost mental capacity tomorrow?*', in partnership with Tatler, July 2024

'*Finance and Law for the Older Client*', Legal Capacity chapter in Tolley's
The Institute of Legacy Management

'*Probate Disputes and Remedies*', Court of Protection chapter in Jordans

Admissions

England and Wales, 2004

Education

Southampton University, LL.B

Languages

English

Memberships

Association of Contentious Trust and Probate Specialists
Charity Law Association

Key dates

Year joined: 2002

Year became partner: 2013

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